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 Sorenson, Ofc. Sandoval and Ofc. Doolittle

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JOSE DECASTRO,

11 Plaintiff,

12 vs.

13 LAS VEGAS METROPOLITAN POLICE
 14 DEPARTMENT; STATE OF NEVADA;
 BRANDEN BOURQUE; JASON TORREY;
 C. DINGLE; B. SORENSEN; JESSE
 SANDOVAL; OFFICER DOOLITTLE and
 15 DOES 1 to 50, inclusive,
 16 Defendants.

Case Number:
2:23-cv-00580-APG-EJY

17 **DEFENDANTS' PRETRIAL ORDER**

18 On June 4, 2025, this Court noted Plaintiff had failed to timely submit a Joint Pretrial
 19 Order and ordered the Parties to file the same on or before June 20, 2025. (ECF No. 110.)
 20 After not hearing from Plaintiff, Defendants drafted a proposed Joint Pretrial Order and sent
 21 the draft to Plaintiff on June 16, 2025. Plaintiff did not complete his portion of the JPTO.
 22 Therefore, the Defendants submit their own Pretrial Order.

23 **I. NATURE OF THE ACTION**

24 **A. BACKGROUND**

25 Plaintiff Jose DeCastro sues the Las Vegas Metropolitan Police Department (LVMPD)
 26 and LVMPD officer Branden Bourque, Jason Torrey, Chadly Dingle, Brandon Sorenson,

1 Jesse Sandoval, and Clinton Doolittle. DeCastro contends the officers unreasonably searched
 2 and seized him because he was exercising his First Amendment rights to video record a police
 3 encounter and made rude comments to the arresting officer. He also alleges they used
 4 excessive force.

5 **B. REMAINING PARTIES AND ISSUES FOR TRIAL**

6 On September 13, 2024, this Court granted in part defendants' motion for summary
 7 judgment. ECF No. 100. In that order, this Court granted in part DeCastro's motion to
 8 reconsider the Court's order dismissing certain federal law and state law claims and ordered
 9 the parties to supplement their state law claim briefing. On April 25, 2025, the Court issued
 10 its order denying defendants' renewed motion for summary judgment. ECF No. 109. Based
 11 on these orders, the following claims issues remain for trial:

- 12 1. State law false arrest and unlawful search and seizure.
- 13 2. State law invasion of privacy.
- 14 3. 42 U.S.C. § 1983 excessive force and state law excessive force/battery.
- 15 4. 42 U.S.C. § 1983 Failure to intervene.
- 16 5. 42 U.S.C. § 1983 First Amendment and Nevada state law free speech violation.
- 17 6. 42 U.S.C. § 1983 First Amendment retaliation.
- 18 7. 42 U.S.C. § 1983 elective enforcement.

19 **II. STATEMENT OF JURISDICTION**

20 Plaintiff's federal claims are brought pursuant to 42 U.S.C. §1983 and his state law
 21 claims are brought pursuant to 28 U.S.C. §§1331 and 1343(a)(3) and (4).

22 **III. STATEMENT OF UNCONTESTED FACTS**

23 1. In March 2023, defendant Bourque conduct a traffic stop on a driver in a public
 24 parking lot.

25 2. While Bourque ran the driver's information, plaintiff DeCastro approached the
 26 traffic stop, filming on his cellphone.

1 3. DeCastro stopped about a half a parking space away from the stopped driver
2 and began speaking to the driver.

4. Borque exited his patrol vehicle and told DeCastro three times to back up.

4 5. DeCastro refused and Borque told him that he would be detained if he did not
5 comply.

6. DeCastro told Bourque he was “staying right here.”

7. DeCastro stated he was ten feet away and that he is a "constitutional scholar."

8 8. DeCastro told Borque that he is “a member of the press” and “go get in your
9 car and do your job little doggie.”

10 9. When DeCastro refused to move, Bourque approached DeCastro and said he
11 was being detained, at which time DeCastro began to back away.

12 10. Bourque told DeCastro to move over to the patrol car and that he was going to
13 go hands on. DeCastro responded "No, you're not."

14 11. Bourque called for assistance over his radio and told DeCastro to move over
15 to the patrol car two more times, to which DeCastro responded, "no."

16 12. Eventually, DeCastro turned and walked toward the patrol car while still
17 filming on his cell phone.

18 13. At the car, Bourque told DeCastro he was being detained for obstruction and
19 to put his cellphone on the car's hood.

14. DeCastro turned and faced Bourque and repeated that he is a "constitutional
scholar." Bourque repeated his commands to set the phone on the car's hood.

22 15. When Bourque reached for DeCastro with both hands, DeCastro backed away
23 and swatted away Bourque's hands.

24 16. Bourque said "now you're going to put your hands on me?" and grabbed the
25 front of DeCastro's shirt with his two hands and moved him to the front of the patrol car.

26 17. DeCastro continued to resist and ignored four commands by Bourque to turn
27 around

1 18. At this point, defendant Dingle arrived on scene and took hold of DeCastro's
2 right arm. Bourque ordered DeCastro to put his hands behind his back and DeCastro said "no."

3 19. Bourque told DeCastro he was getting a ticket, but if he did not put his hands
4 behind his back he would go to jail. DeCastro said "for what?" but did not comply.

5 20. Eventually, Bourque and Dingle got DeCastro handcuffed and used double
6 handcuffs because DeCastro reported a prior shoulder injury.

7 21. After handcuffing, Bourque patted DeCastro down for weapons. When he did
8 so, DeCastro claimed he struck his genitals for "no reason."

22. At this point, defendants Sorenson and Doolittle arrived.

23. DeCastro told the officers he “sue[s] cops all over the country.”

24. Dingle learned that DeCastro had a warrant for his arrest.

2 25. While this was occurring, defendant Sandoval arrived and monitored DeCastro
3 who stated to Sandoval "why don't you drop down on your knees and suck my cock?"

4 26. Because DeCastro continued to move around, Sandoval grabbed his left arm
5 for not listening. DeCastro continued to verbally abuse Sandoval.

6 27. DeCastro accused Sandoval of squeezing his arm and asked the other officers
7 to make him stop. Sandoval denied hurting him and said it was because DeCastro was
8 continually moving.

9 28. Eventually defendant Sergeant Torrey arrived and spoke to DeCastro.

IV. STATEMENT OF CONTESTED FACTS

1 1. Whether DeCastro's complied with Bourque's order to back up and move a
2 safe distance from the traffic stop.

2. Whether DeCastro resisted Bourque's attempts to detain him.

4 3. Whether the officers' actions unlawfully invaded DeCastro's privacy by going
5 through his personal items *if they lacked probable cause.*

4. Whether Bourque purposefully struck DeCastro's genitals.

5. Whether Sandoval unreasonably applied pressure to DeCastro's arms.

6. Whether defendants Bourque, Dingle, Doolittle, and Sorenson had an
opportunity to intervene if Sandoval was unreasonably applying pressure to DeCastro's arm.

3 7. Whether Bourque's arrest of DeCastro was the result of retaliatory animus
4 towards his filming and speech.

5 8. Whether Sgt. Torrey, because he watched the body worn camera, failed to
6 prevent Bourque's retaliatory arrest and participated in the retaliatory arrest.

7 9. Whether Bourque and/or Sgt Torrey selectively enforced the law against
8 DeCastro due to his exercising of his First Amendment rights.

9 10. Whether DeCastro was physically injured in the incident.

11. Whether DeCastro can introduce evidence of his alleged physical injuries.

V. STATEMENT OF CONTESTED ISSUES OF LAW

2 1. Whether the officers had probable cause to arrest DeCastro.

3 2. Whether DeCastro can generate sufficient evidence supporting his invasion of
4 privacy claim.

5 3. Whether DeCastro's evidence is sufficient to support and excessive force
6 claim.

7 4. Whether DeCastro's evidence is sufficient to support his claim of retaliatory
8 animus against him for exercising his First Amendment rights.

9 5. Whether DeCastro can introduce evidence of any alleged physical injury when
0 he failed to comply with Rule 26 disclosure requirements and failed to identify any expert
1 witnesses.

2 6. Whether DeCastro can introduce any evidence of special damages when he
3 failed to comply with Rule 26.

4 7. Whether the officers are protected by qualified immunity on DeCastro's 42
5 U.S.C. § 1983 claims

VI. EXHIBITS

A. DEFENDANTS' PROPOSED EXHIBITS

1. LVMPD Defendants' Exhibits:

- a. CAD Report for Event No. LLV230300064617 (LVMPD 000001 -
 - b. Cad until Log by Incident Number (LVMPD 000005 - 000009);
 - c. IA Statement of Complaint (LVMPD 000010 - 000015);
 - d. LVMPD Incident Report (LVMPD 000016 - 000025);
 - e. Citation (LVMPD 000026 - 000027);
 - f. Declaration of Arrest (LVMPD 000028);
 - g. Temporary Custody Record (LVMPD 000029);
 - h. LVMPD Detention Services Division Booking Voucher (LVMPD
 - i. IAB Complaint Form (LVMPD 000031);
 - j. LVMPD Use of Force Policy 3.110 (LVMPD 000032 - 000066);
 - k. LVMPD Arrests Without Warrants Policy 4.102 (LVMPD 000067 -
 - l. Body Worn Camera footage of subject event from the defendant
 - m. LVMPD Lesson Plans dated December 2015 regarding Policies 3.02, 4.05, 6.13, 8.05, 8.24 and 13.08 (LVMPD 000071 - 000527);
 - n. LVMPD Lesson Plans dated February 2016 regarding Policies 3.02, 4.05, 8.05, 8.24, 8.26, 13.08 and 16.19 (LVMPD 000528 – 000893);
 - o. LVMPD Lesson Plans dated February 2022 regarding Policies 3.02, 6.4.05, 6.01, 8.18, 10.08, 13.08 and 16.05 (LVMPD 000894 - 001321);
 - p. Radio Dispatch Calls;

1 q. DeCastro's Youtube Video - Let's File My Lawsuit Against the Las
 2 Vegas Tyrant Cops From My Unlawful Arrest. #audit #court #popo – April 17, 2023;

3 r. DeCastro's YouTube Video - The Las Vegas Metro Police Dept
 4 Lawsuit: 12:30PM PST – April 18, 2023;

5 s. DeCastro's YouTube Video - LAWSUIT FILED! DELETETLAWZ IS
 6 ARRESTED FOR FILMING COPS BY LAS VEGAS METRO P!G BRENDEN BORK –
 7 May 16, 2023;

8 t. DeCastro's YouTube Video - #AUDIT #Arrested Las Vegas PD,
 9 Lawsuit filed, LVMPD has been Served: Body Cam of Sandoval, NEVADA – April 29, 2023;

10 u. DeCastro's YouTube Video - TEAM DLZ FOLLOWS A RIGID SET
 11 OF POLICIES, PROCEDURES & PROTOCOLS – February 4, 2024;

12 v. DeCastro's YouTube Video - WE DONT STOP – September 17, 2024;
 13 and

14 w. Our Nevada Judges, Inc. Video - The State of Nevada vs Jose "Chille"
 15 DeCastro, March 19, 2024 – March 19, 2024.

16 **VII. ELECTRONIC EVIDENCE**

17 Defendants intend to present electronic evidence, including Body Worn Camera
 18 footage for purposes of jury deliberations.

19 **VIII. DEPOSITIONS**

20 Unless witnesses are unavailable, Defendants do not intend to offer depositions other
 21 than for purposes of impeachment.

22 **IX. THE FOLLOWING WITNESSES MAY BE CALLED AT TRIAL:**

23 A. **LVMPD DEFENDANTS' WITNESSES**

24 1. Sgt. Torrey
 c/o Marquis Aurbach
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 (702) 382-0711

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1 2. Ofc. Bourque
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6 3. Ofc. Dingle
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11 4. Ofc. Sorenson
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13 10001 Park Run Drive
14 Las Vegas, Nevada 89145
15 (702) 382-0711

16 5. Ofc. Sandoval
17 c/o Marquis Aurbach
18 10001 Park Run Drive
19 Las Vegas, Nevada 89145
20 (702) 382-0711

21 6. Ofc. Doolittle
22 c/o Marquis Aurbach
23 10001 Park Run Drive
24 Las Vegas, Nevada 89145
25 (702) 382-0711

26 X. **TRIAL DATES**

27 Counsel for the LVMPD Defendants are available for trial in January 2026 and
28 February 2026.

29 It is expressly understood by the undersigned the Court will set the trial of this matter
30 on one (1) of the agreed upon dates if possible, if not, the trial will be set at the convenience
31 of the court's calendar.

32 ///

33 ///

1 **XI. TIME FOR TRIAL**

2 It is estimated the trial will take a total of 4 days.

3 Dated this 20th day of June, 2025.

4 MARQUIS AURBACH

5 By: /s/ Craig R. Anderson

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12 Attorneys for Defendants

13 **XII. ACTION BY THE COURT.**

14 (a) This case is set down for court/jury trial on the fixed/stacked calendar on
15 _____; Calendar call shall be held on _____.

16 (b) An original and two (2) copies of each trial brief shall be submitted to the clerk
17 on or before _____.

18 (c) Jury trials:

19 (1) An original and two (2) copies of all instructions requested by either
20 party shall be submitted to the clerk for filing on or before _____.

21 (d) Court trials:

22 Proposed findings of fact and conclusions of law shall be filed on or before
23 _____.

24 The foregoing pretrial order has been approved by the parties to this action as
25 evidenced by the signatures of their counsel hereon, and the order is hereby entered and will
26 govern the trial of this case. This order shall not be amended except by order of the court
27 pursuant to agreement of the parties or to prevent manifest injustice.

28 _____
UNITED STATES DISTRICT JUDGE

DATED: _____